



# **CITY OF MILPITAS PLANNING COMMISSION MEETING AGENDA**

**June 26, 2019 7:00 PM**

**CITY HALL COUNCIL CHAMBERS  
455 E. CALAVERAS BLVD., MILPITAS, CA 95035**

## **I. CALL MEETING TO ORDER**

## **II. ROLL CALL**

## **III. PLEDGE OF ALLEGIANCE (Commissioner Morris)**

## **IV. CONFLICT OF INTEREST DECLARATION**

## **V. APPROVAL OF THE AGENDA**

By motion, approve the meeting agenda for June 26, 2019

## **VI. ANNOUNCEMENTS**

**VII-1** Planning Commissioners

**VII-2** Planning Director

## **VII. PUBLIC FORUM**

Members of the audience are invited to address the Planning Commission on any subject not on tonight's agenda. Speakers must come to the podium and limit their remarks to fewer than three minutes. As an unagendized item, no response is required of the City staff or the Commission; however, the Commission may agendize the item for a future meeting.

## **VIII. APPROVAL OF MINUTES**

By motion, approve the regular meeting minutes of June 12

## **IX. PUBLIC HEARING**

**IX-1 P-PP19-0001:** Pre-application review to provide initial feedback on the proposed demolition of an existing 507,360-square foot industrial building to facilitate the development of a new 507,360-square foot distribution center with ancillary offices, with associated site improvements and landscaping, on at 29.86-acre parcel located in the Heavy Industrial (M-2) Zoning District at 1001 Gibraltar Drive. CEQA: Exempt pursuant to CEQA Guidelines Section 15262 (Feasibility or Planning Studies). Project Planner: Rozalynne Thompson, (408) 586-3278, [rthompson@ci.milpitas.ca.gov](mailto:rthompson@ci.milpitas.ca.gov)

**IX-2 P-SA19-0001 and P-UA18-0006:** Site Development Permit Amendment and Conditional Use Permit Amendment to modify a previously approved project (The District – Lot 4) to increase the number of residential units from 173 to 213; increase the size of the ground-floor retail space from 13,941 square feet to 18,100 square feet; decrease the size of the rooftop recreation deck from 23,527 square feet to 10,360 square feet; increase the maximum building height from 83 feet to 86 feet; eliminate one level of underground parking; allow a credit for on-street parking; and remove private exterior open space (balconies) from 37 units. The project is located on a 2.68-acre lot within the Transit Area Specific Plan (TASP) area at 1410 McCandless Drive. CEQA: The proposed amendments are consistent with the Addendum to the Milpitas Transit Area Specific Plan Environmental Impact Report (TASP EIR) for “The District at Milpitas” project adopted November 17, 2015. The project is also exempt from further environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15182 (Projects consistent with a Specific Plan), and as a separate and independent basis, Section 15183 (Projects consistent with a Community Plan or Zoning). Project Planner: Michael Fossati, (408) 586-3274, [mfossati@ci.milpitas.ca.gov](mailto:mfossati@ci.milpitas.ca.gov)

***Recommendation:** Staff recommends that the Planning Commission consider the Determination of Consistency with the Addendum to the Transit Area Specific Plan Environmental Impact Report (EIR) and the exemptions in accordance with CEQA; and adopt Resolution No. 19-013 approving Site Development Permit Amendment SA18-0006 and Conditional Use Permit Amendment UA18-0018 for The District – Lot 4, subject to the attached Conditions of Approval.*

**IX-3 P-ZA19-0002:** City-initiated Zoning Ordinance Text Amendment to regulate short-term rentals within the City of Milpitas. This project is is statutorily exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15183 (Project Consistent with a Community Plan, General Plan, or Zoning) and categorically exempt pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption), 15301 (Existing Facilities), and 15308 (Actions by Regulatory Agencies for Protection of the Environment). Project Manager: Daniel Degu, (408) 586-3054, [ddegu@ci.milpitas.ca.gov](mailto:ddegu@ci.milpitas.ca.gov)

***Recommendation:** Staff recommends that the Planning Commission Adopt Resolution No. 19-020 recommending that the City Council adopt Zoning Text Amendment P-ZA19-0002, set forth as Exhibit B to the staff report.*

**IX-4 P-ZA19-0005:** City-initiated zoning ordinance text amendment to restrict nonindustrial land uses in the Heavy Industrial (M2) zoning district; to allow temporary public safety uses within the Heavy Industrial (M2) zone subject to a minor conditional use permit; and to add regulations for mobile fueling services in the City of Milpitas. The proposed amendments would prohibit assembly, entertainment, and other similar nonindustrial uses in the M2 zone, and add a provision to conditionally allow public safety facilities, such as fire stations and police stations, on a temporary basis (up to two years) in the M2 zone. The proposed amendments would also add a definition in the zoning ordinance for “Mobile Fueling Services” and would allow this use in the Light Industrial (M1), Heavy Industrial (M2), and Industrial Park (MP) zones subject to approval of a conditional use permit. This project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) (Common Sense Exemption). Project Planner: Rozalynne Thompson, (408) 586-3278, [rthompson@ci.milpitas.ca.gov](mailto:rthompson@ci.milpitas.ca.gov)

***Recommendation:** Staff recommends that the Planning Commission consider the exemptions in accordance with CEQA; and adopt Resolution No. 19-021 recommending*

*that the City Council adopt a City-initiated zoning ordinance text amendment (ZA19-0005) to modify the regulations related to allowed uses in the Heavy Industrial (M2) zone and to add regulations related to mobile fueling services.*

## **X. NEW BUSINESS**

### **NO ITEMS**

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Any person aggrieved by any final decision of any, board, commission, or department head to the City of Milpitas may appeal the decision to the City Council by filing written notice of the appeal with the City Clerk within 12 calendar days of the date of said decision and paying the required fee. This time limit shall be strictly enforced.

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## **XI. ADJOURNMENT**

### **KNOW YOUR RIGHTS UNDER THE OPEN GOVERNMENT ORDINANCE**

Government's duty is to serve the public, reaching its decisions in full view of the public.  
Commissions, boards, councils and other agencies of the City exist to conduct the people's business.

This ordinance assures that deliberations are conducted before the people and the

City operations are open to the people's review.

Materials related to an item on this agenda submitted to the Planning Commission after initial distribution of the agenda packet are available for public inspection at the Planning Department office at Milpitas City Hall, 455 E. Calaveras Blvd., Milpitas, during normal business hours.

For more information on your rights under the Open Government Ordinance or to report a violation of the ordinance, contact the City Attorney's office at Milpitas City Hall  
455 E. Calaveras Blvd., Milpitas, CA 95035 Phone 408-586-3040

*The Open Government Ordinance is codified in the Milpitas Municipal Code as Title I Chapter 310 and is available online at the City's website [www.ci.milpitas.ca.gov](http://www.ci.milpitas.ca.gov) by selecting the Milpitas Municipal Code link.*

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The Planning Division will provide a recorded agenda or minutes printed in large type upon request for the visually impaired. In compliance with the Americans with Disabilities act, individuals requiring accommodation for this meeting should notify the Planning Division prior to the meeting at 408-586-3279.

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